(1)

FILED

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DOCKET # 05A72 OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

Richard Fuselier, Richard Ortt & Compensation Consultants, Inc.

Petitioners,

vs.

United States,

Respondent,

An Application For A Writ of Habeas Corpus Ad Subjiciendum

In Reference to: Richard Fuselier

On An Application For A Writ of Habeas Corpus Ad Subjiciendum To The Common Law Court of the United States of America and the United States Court of Appeals For the Fifth Circuit

Richard Fuselier
Pro Se
204 E. Angus
Youngsville, La. USA 70592
337 857-9090

(a)

QUESTIONS PRESENTED FOR REVIEW

Is the United States of America to obtain full faith and credit as provided by Title 28 U.S.C. § 1652 and Article IV Section 1 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 26 U.S.C. § 634(b) and Article 1, Section 9, Clause 10 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 28 U.S.C. § 2248 and Article 1, Section 9, Clause 2 of the Constitution of the United States?

Is the United States of America going to obtain full faith and credit as provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii) and by Article IV, Section 1 of the Constitution of the United States?

(b)
LIST OF PETITIONERS

RICHARD FUSELIER.....Petitioner
UNITED STATES.....Respondent

(c)
CORPORATE DISCLOSURE

The Petitioner, Richard Fuselier, avers that no corporation as provided by Rule 29.6 is a party herein.

(d)
SUPREME COURT RULE 20.1

Rule 20.1 is inapplicable as the writ is not authorized by Title 28 U.S.C. § 1651(a). The writ is authorized by Article 1, Clause 2, Section 9 of the Constitution and is also provided in statutes of the United States in Title 28 U.S.C. § 2241(a) entitled "Power to grant writ".

(e)

SUPREME COURT RULE 20.4

Supreme Court Rule 20.4(a) is not applicable as the original application for habeas corpus relief was made in the district court by entering evidence of a return issuing out of common law. The said district court did not give full faith and credit of the substantial fact that Richard Fuselier is not a United States citizen. This is an appeal of right of the District Court decision to suspend the Writ of Habeas Corpus Ad Subjiciendum.

Adequate relief of an illegal assessment proceeding is not available in the United States Court of Federal Claims as the United States invoked the protection provided by Title 28 U.S.C. § 1500 by filing a forum shopping civil proceeding against the petitioner in the United States District Court for the Western District of Louisiana.

Adequate relief is not available in the Common Law Court of the United States of America as the United States has waived the right to traverse the said return and no dispute exist of any issue of law or fact at common plea.

Adequate relief is not available in the Fifth Circuit Court of Appeals for the United States as the said Court has denied the writ.

Adequate relief is not available in the other courts of the United States as the petitioner, an alien to the United States, lacks standing to sue as a United States citizen and is not engaged in commercial activity.

Adequate relief is provided by Title 48 as hereinafter appears as the only issue to be litigated is full faith and credit of the judicial determinations of the United States of America.

(f)

CITATION OF COURT ORDERS

United States Court of Appeals for the Fifth Circuit #05-30346 letter dated September 28, 2005 denying a Writ of Habeas Corpus without comment.

The order of the Common Law Court of the United States of America, In Ref to Richard Fuselier mailed to the Fifth Circuit on September 19, 2005.

(g)

STATEMENT OF JURISDICTION

i.

The order to be reviewed was a decision of the United States Court of Appeals for the Fifth Circuit in Docket # 05-30346 entitled USA v. Fuselier. Said court denied a writ of habeas corpus without comment.

ii.

The petitioner is invoking the Court's appellate jurisdiction as provided by Title 28 U.S.C. § 1253. The authority for Supreme Court review is provided by Title 48 U.S.C. § 1493.

iii.

Service has been made on the Solicitor General of the United States.

(h)
AUTHORITIES

Constitution of the United States.
Article 1, Section 9, Clause 2
Article 1, Section 9, Clause 10
Article 4, Section 1.
Amendment IX.
Amendment X.

United States Law
Title 26 U.S.C. § 6511(d)(2)(B)(iii).
Title 26 U.S.C. § 643(b)
Title 26 U.S.C. § 7422(a) & (e)
Title 26 C.F.R. § 601.502(a)(1)
Title 28 U.S.C. § 1253
Title 28 U.S.C. § 1294(1)
Title 28 U.S.C. § 1492
Title 28 U.S.C. § 1500
Title 28 U.S.C. §1652
Title 28 U.S.C. § 2248
Title 28 U.S.C. § 2502(a)
Title 48 U.S.C. § 1493(c)

Federal Rule of Appellate Procedure 21(b)(1)

(i).

STATEMENT OF THE CASE

The petitioner and others recreated the organic republic by forming a common law jurisdiction under the reservation of authority provided by Amendment IX and X of the Constitution of the United States. Said jurisdiction was used to abrogate United States citizenship of the petitioner and establish foreign estates for tax claims. The citizenship abrogation was a choice of law action. The intent was to claim a common law trial using the privilege of Habeas Corpus as provided Article 1, Section 9, Clause 2 .

The petitioner noticed the United States of said facts and proceeded to make refund claims with the Internal Revenue Service and in the United States Court of Federal Claims using common law judgements. The petitioner eventually amended and made a claim provided by Title 26 § U.S.C. § 643(b) and 26CFR 601.502(a)(1). The United States started a civil proceeding in the United States District Court as provided by Title 28 U.S.C. § 1500.

The said civil proceeding resulted from an omission by the United States of the mandatory relief provided by Title 26 U.S.C. § 6511(d)(2)(B)(iii).

The petitioner rebutted the presumption of United States citizenship as provided by Title 28 U.S.C. § 1652. The District Court denied said mandatory relief.

The Petitioner then appealed by filing a Writ of Habeas Corpus in the United States Court of Appeals for the Fifth Circuit as provided by Title 28 U.S.C. § 1294(2) as a reviewable decision of a District and territorial court. The territorial decision issued out of the said Common Law Court of the United States of America. The said federal appeals court denied the writ without comment as provided by Federal Rule of Appellate Procedure 21(b)(1). The denial of said writ is a reversible error as provided by the mandates of Title 28 U.S.C. §§s 1652, 2248 and the Constitution of the United States Article IV, Section 1 and Article I, Section 9, Clauses 2 and 10.

(j)
(i)

The basis for federal jurisdiction in the United States Court of Federal Claims in the first instance is provided by Title 28 U.S.C. § 1492 and U.S.C. § 7422(a) of Title 26. The referral by Congress to the United States Court of Federal Claims is provided by Title 28 U.S.C. § 2502 and U.S.C. § 7422(e) of Title 26.

(k)

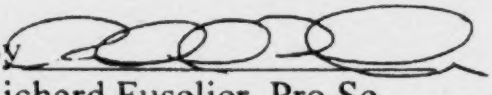
REASONS FOR ALLOWANCE OF WRIT

The petitioner, being a citizen of a foreign state and domiciled therein, is being detained in violation of an order of a foreign state, the validity and effect of which depend upon the law of nations.

The issues of law and fact are res judicata. Title 28 U.S.C. §§s 1652, 2248 and Article IV, Section 1 of the Constitution of the United States provide mandatory relief for the condition of fact that Richard Fuselier is not a United States citizen.

United States of America

Executed on this 8th day of March, 2006. I declare under penalty of perjury that the foregoing is true and correct.

By 

Richard Fuselier, Pro Se
204 E. Angus
Youngsville, La. USA 70592
Telephone 337 857-9090
Fax 337 857-9096

(2)

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APPENDIX

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APPENDIX

(i)

The order appealed to the Fifth Circuit was issued by the United States District Court for the Western District of Louisiana in Docket # 04-cv-2432 entitled United States of America v. Richard A. Fuselier and Richard J. Ortt, each and individually and d/b/a Compensation Consultants entered on February 25, 2005. The finding of facts provided on Page 2:

> "1. This Court has jurisdiction over the parties and subject matter of this case:"

(ii)

The evidence to be reviewed of the Common Law Court of the United States of America was filed with the United States Court of Appeals for the Fifth Circuit in Docket # 05-30346 and was mailed on August 19, 2005. Said review is the finding of fact provided on Page 1 which provides in part:

> "The Common Law Court of the United States of America has jurisdiction over the party filing a Writ of Habeas Corpus Ad Subjiencidum."

(iii)

Said Fifth Circuit denial was in a letter dated September 28, 2005 which provides in part:

> "Upon review it has been determined that the attachment is considered a supplemental brief. Therefore, no action is being taken..."

(iv)

AUTHORITIES

Article 1, Section 9, Clause 2

> "The Privilege of Habeas Corpus shall not be suspended..."

Article 1, Section 10, Clause 1

> "No State shall...make any Thing but gold and silver Coin a Tender in Payments of Debts;"

Article 4, Section 1.

> "Full Faith and Credit shall be given in each State to the...judicial proceedings of every other State."

Amendment IX.

> "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained

by the people."

Amendment X.

"The powers not delegated to the United States by the Constitution... are reserved ...to the people."

Title 26 U.S.C. § 6511(d)(2)(B)(iii).

"In the case of any such claim for credit or refund...the determination by any court,...in any proceeding, shall be conclusive..."

Title 26 U.S.C. § 643(b)

"...the term 'income'...means the amount of income of the estate... for the taxable year determined under...applicable local law."

Title 26 U.S.C. § 7422(a)

" No...proceeding shall be maintained...until a claim for refund or credit has been duly filed with the Secretary..."

Title 26 U.S.C. § 7422(e)

"...a suit brought by a taxpayer in...the United States Court of Federal Claims..."

Title 26 C.F.R. § 601.502(a)(1)

> (1) Attorney. Any individual who is a member in good standing of the bar of the highest court of any...commonwealth..."

Title 28 U.S.C. § 1253

> "Except otherwise provided by law, any party may appeal to the Supreme Court...in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges."

Title 28 U.S.C. § 1294(1)

> "...appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows
> (1) From a district court of the United States to the court of appeals for the circuit embracing the district;"

Title 28 U.S.C. § 1492

> "Any bill...may be referred by either House of Congress to the chief judge of the United States Court of Federal Claims..."

Title 28 U.S.C. § 1500

"The United States Court of Federal Claims shall not have jurisdiction of any claim for or in respect to which the plaintiff...has pending in any other court..."

Title 28 U.S.C. §1652

"The laws of the several states... shall be regarded as rules of decision in civil actions in the courts of the United States..."

Title 28 U.S.C. § 2248

"The allegations of a return to the writ of habeas corpus...if not traversed shall be accepted as true..."

Title 28 U.S.C. § 2502(a)

"Citizens...of any foreign government ...may sue the United States in the United States Court of Federal Claims..."

Title 48 U.S.C. § 1493(c)

"The prosecution in a...Commonwealth... to seek review or other suitable relief...in the Supreme Court of the

United States from -
"An adverse decision of an appellate court."

Federal Rule of Appellate Procedure 21(b)(1)
"The court may deny the petition without an answer."

(v)
United States of America

Executed on this 8th day of March, 2006. I declare under penalty of perjury that the foregoing is true and correct.

By

Richard Fuselier, Pro Se
204 E. Angus
Youngsville, La. USA 70592
Telephone 337 857-9090
Fax 337 857-9096